

City Council Introduction: **Monday**, January 8, 2001  
Public Hearing: **Monday**, January 22, 2001, at **1:30 p.m.**

Bill No. 01-03

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 3294**, from R-3 Residential to AG Agricultural, and from AG Agricultural to R-3 Residential, requested by D & D Development, on property generally located east of 84<sup>th</sup> Street between Pioneers Blvd. and Old Cheney Road.

**STAFF RECOMMENDATION:** Approval.

**ASSOCIATED REQUEST:** Annexation No. 00008  
(01-02)

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda, 12/13/00  
Administrative Action: 12/13/00

**RECOMMENDATION:** Approval (9-0: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Krieser, Steward and Bayer voting 'yes').

### **FINDINGS OF FACT:**

1. This change of zone and the associated Annexation No. 00008 were heard at the same time before the Planning Commission.
2. The Planning staff recommendation of approval is based upon the analysis that the purpose of the proposed change of zone is to match the zoning boundaries with the lot lines on six parcels. This change of zone request is in conformance with the Comprehensive Plan.
3. The application was placed on the Consent Agenda of the Planning Commission on December 13, 2000, and opened for public hearing. No one came forward to speak.
4. The Planning Commission agreed with the staff recommendation.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** January 2, 2001

**REVIEWED BY:** \_\_\_\_\_

**DATE:** January 2, 2001

**REFERENCE NUMBER:** FS\CC\FSCZ3294

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**DATE:** November 30, 2000

**GENERAL INFORMATION:**

D&D Development  
6321 Doecreek Circle  
Lincoln, NE 68516  
(402) 483-5831

Michael Johnson  
Olsson Associates  
1111 Lincoln Mall  
Lincoln, NE 68508  
(402) 474-6311

**SURROUNDING LAND USE AND ZONING:** The area generally west of proposed locations includes developing single and multi-family dwellings, townhomes, and a club house zoned R-3; to the east is a golf course zoned AG.

## **ASSOCIATED REQUEST:**

Annexation #00008

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

The Land Use Plan shows the area as Urban Residential, and Parks and Open Space.

## **HISTORY:**

Changed from AA to AG during the **1979** Zoning Update.

**March 4, 1992** The Planning Commission approved Special Permit #1423 for a golf course generally located at 91<sup>st</sup> Street and Pioneers Blvd.

**March 14, 1996** Dru Lammle applied for Special Permit #1423A to expand the clubhouse.

**April 24, 1996** The Planning Commission approved Special Permit #1423A.

**May 2, 1996** The action of the Planning Commission was appealed to the City Council.

**January 28, 1998** The Planning Commission deferred action of Comprehensive Plan Amendment 94-23 (22) to expand the future service limit to include all of the area proposed to be rezoned R-3.

**April 29, 1998** Special Permit #1423A was withdrawn.

**July 27, 1998** The City Council approved HiMark Estates Preliminary Plat #99006, Special Permit #1423B for Community Unit Plan and a golf course, and Change of Zone #3125 from AG to R-3, outlining the existing zoning boundaries in the proposed area.

**April 26, 1999** The City Council approved Annexation #99003, which outlines the current city limit in the proposed area.

## **ANALYSIS:**

1. The proposed Change of Zone is to match the zoning boundaries with the lot lines on six parcels.

## **STAFF CONCLUSION:**

The application is in conformance with the Comprehensive Plan.

**STAFF RECOMMENDATION:** Approval

Prepared by:

Ching-Yun Liang  
Planner

**ANNEXATION NO. 00008  
and  
CHANGE OF ZONE NO. 3294**

**CONSENT AGENDA  
PUBLIC HEARING & ADMINISTRATIVE ACTION  
BEFORE PLANNING COMMISSION:**

December 13, 2000

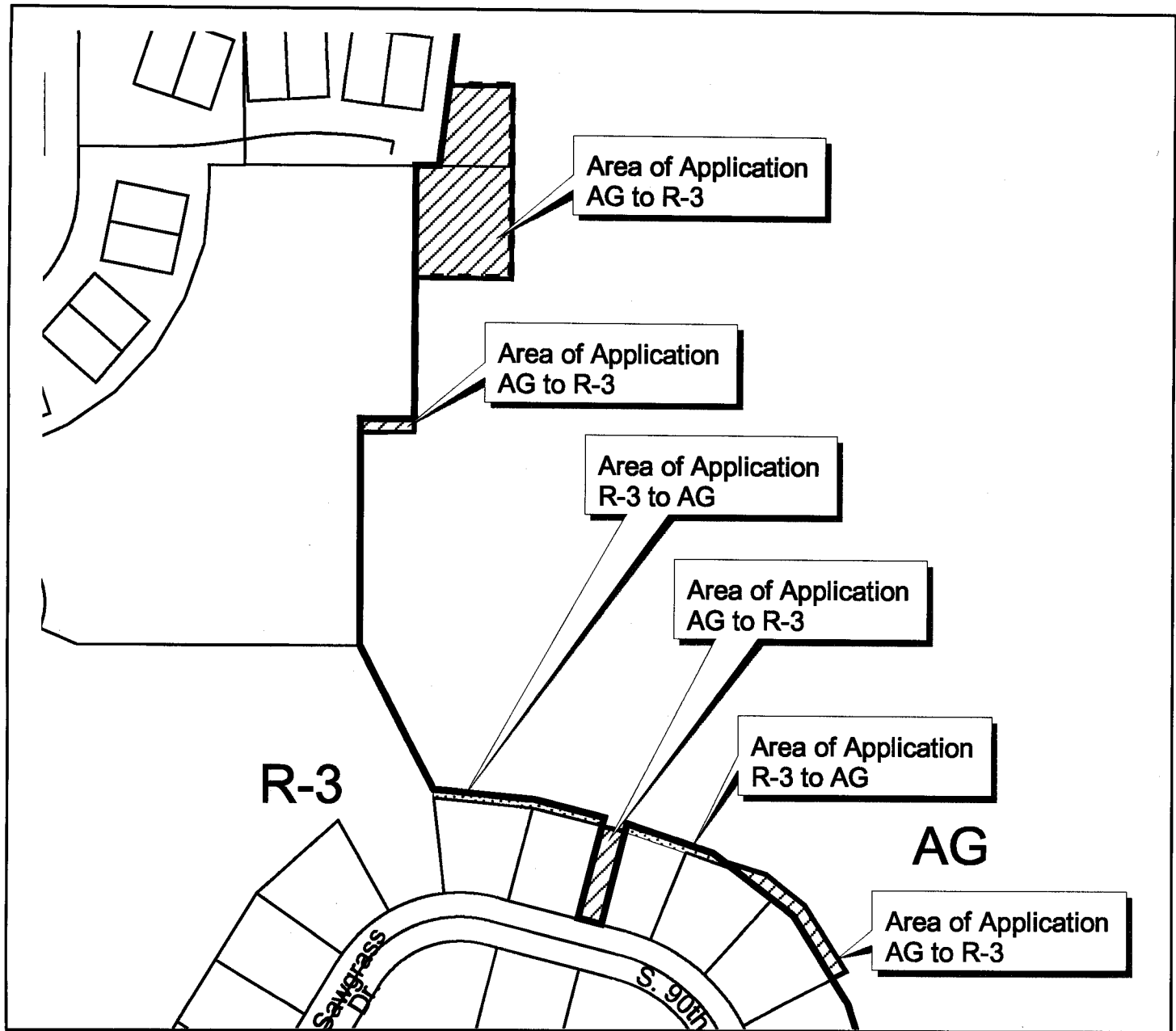
Members present: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Taylor, Schwinn and Steward.

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 1883 and COUNTY SPECIAL PERMIT NO. 185, STEVENS CREEK POINTE COMMUNITY UNIT PLAN; PRELIMINARY PLAT NO. 00027, STEVENS CREEK POINTE; FINAL PLAT NO. 00032, HIMARK ESTATES 6<sup>TH</sup> ADDITION; MISCELLANEOUS NO. 00012, AMENDMENT TO THE LANCASTER COUNTY ZONING RESOLUTION; ANNEXATION NO. 00008 AND CHANGE OF ZONE NO. 3294.**

**Item No. 1.1a, Special Permit No. 1883; Item No. 1.1b, County Special Permit No. 185; and Item No. 1.1c, Preliminary Plat No. 00027, Stevens Creek Pointe Community Unit Plan and Preliminary Plat,** were removed from the Consent Agenda and scheduled for separate public hearing.

Newman moved to approve the remaining Consent Agenda, seconded by Steward and carried 9-0: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Taylor, Schwinn and Steward voting 'yes'.

Note: This is final action on the HiMark Estates 6<sup>th</sup> Addition Final Plat No. 00032, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

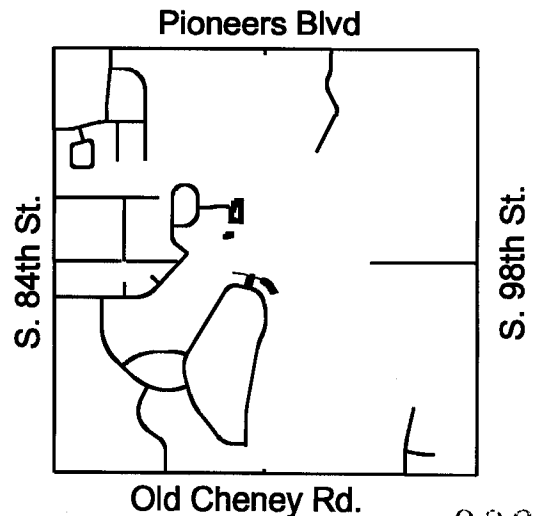
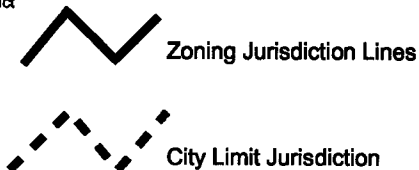


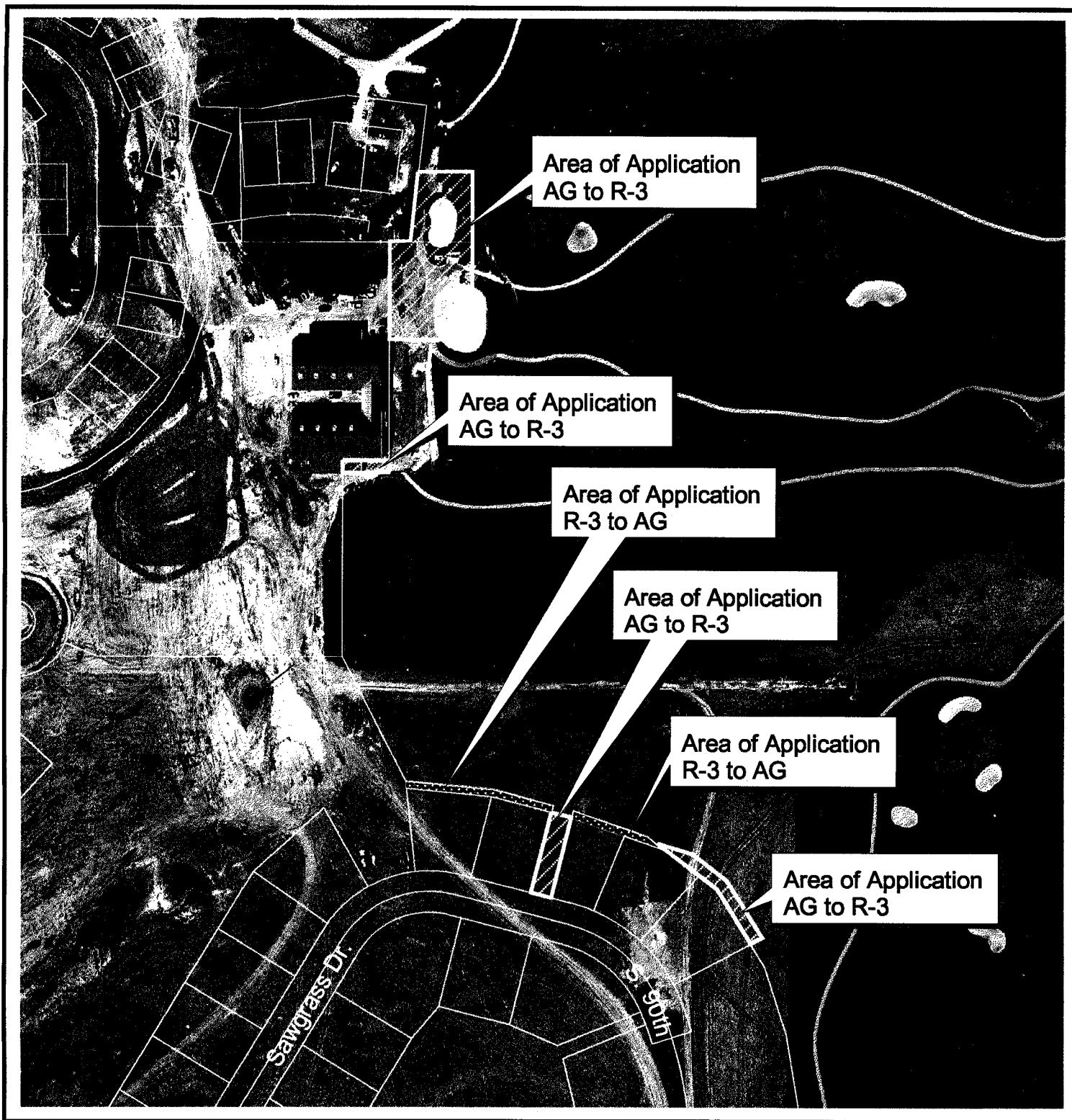
## Change of Zone #3294 84th & Old Cheney

### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 11 T9N R7E





# **Change of Zone #3294** **84th & Old Cheney**



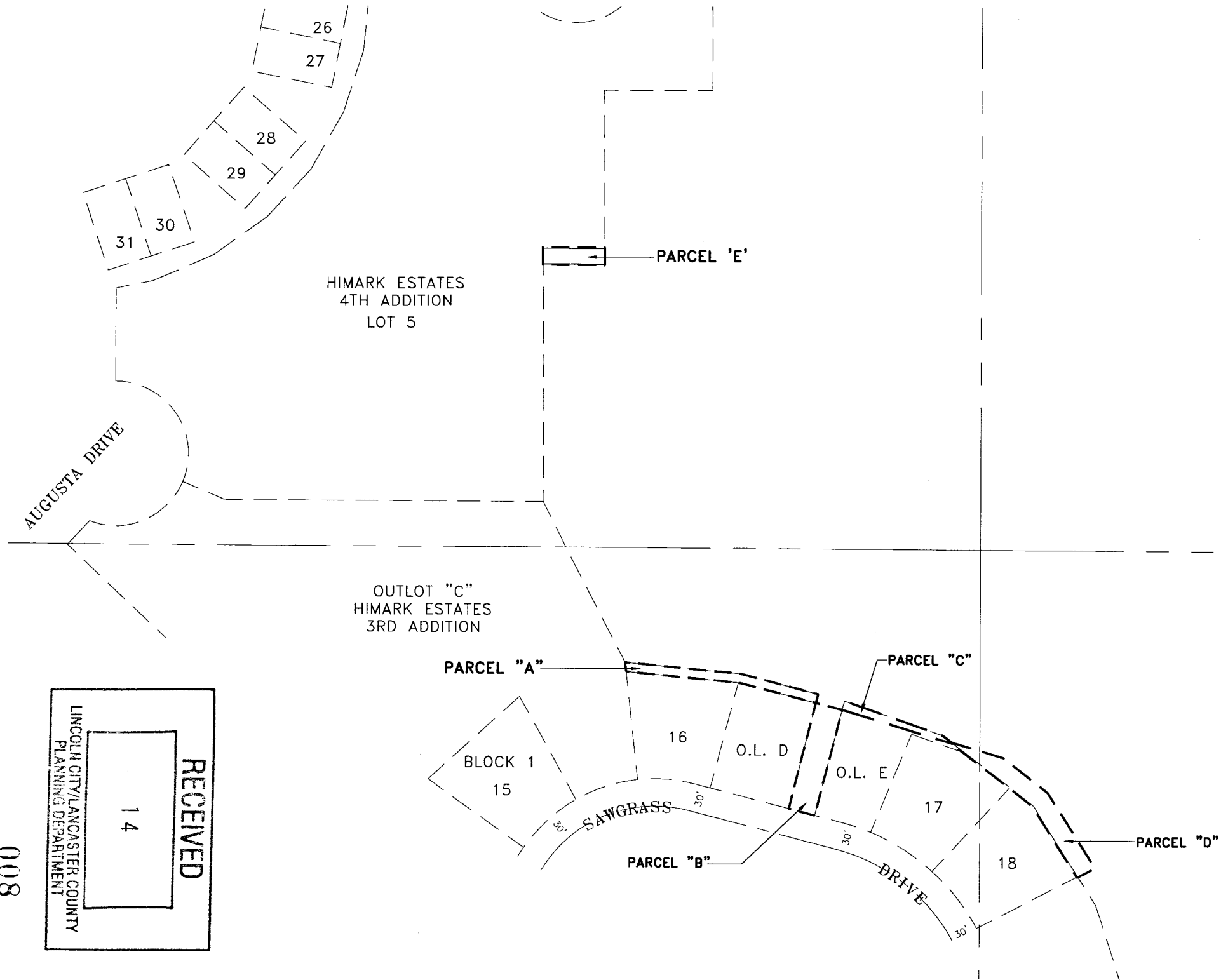
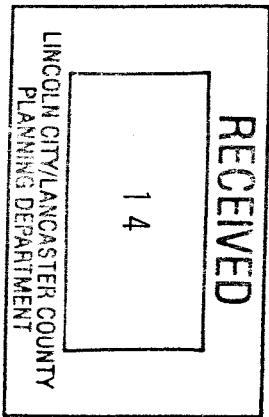
Sheet 2 of 2

Date: Nov 30, 2000

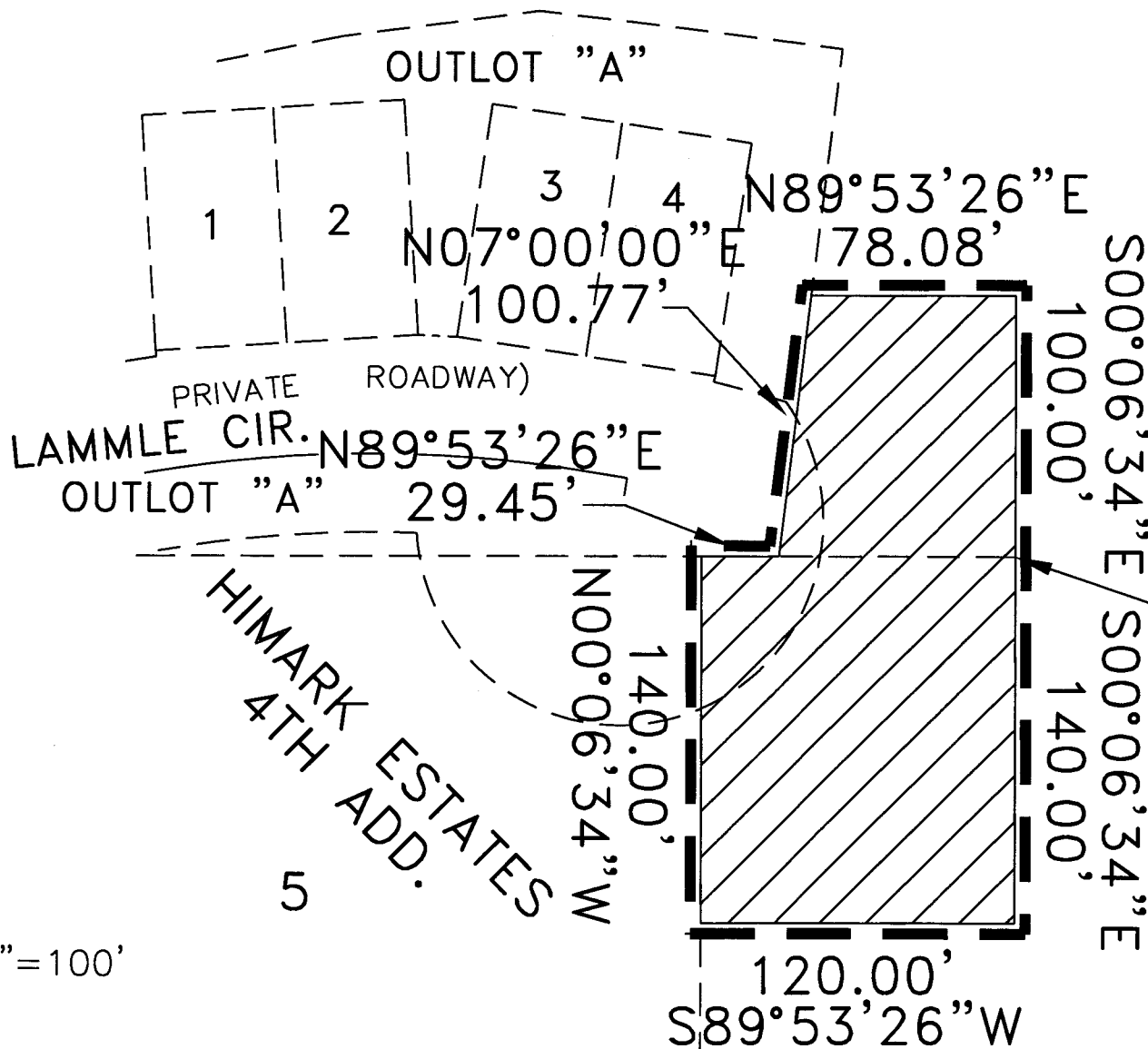
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Lincoln City - Lancaster County Planning Dept.

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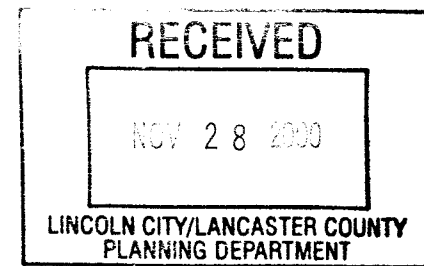




SCALE: 1"=100'

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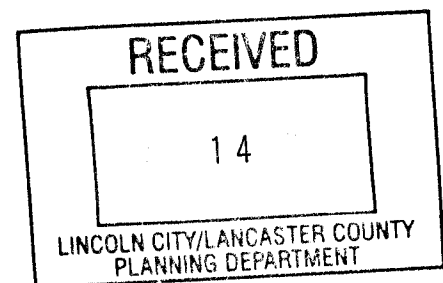
**LEGAL DESCRIPTION  
CHANGE OF ZONE - "R-3" TO "AG"  
PARCEL "A"**

A LEGAL DESCRIPTION FOR CHANGE OF ZONE PURPOSES FOR A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT "C", HIMARK ESTATES 3<sup>RD</sup> ADDITION, LOCATED IN THE SOUTHWEST QUARTER (SW4) OF SECTION 11, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 16 BLOCK 1 OF SAID HIMARK ESTATES 3<sup>RD</sup> ADDITION; THENCE ON AN ASSUMED BEARING OF NORTH 06 DEGREES 18 MINUTES 42 SECONDS WEST, A DISTANCE OF 10.21 FEET TO A POINT ON THE NORTH LINE OF SAID OUTLOT "C"; THENCE SOUTH 84 DEGREES 37 MINUTES 31 SECONDS EAST ALONG A NORTHERLY LINE OF SAID OUTLOT "C", A DISTANCE OF 127.73 FEET TO A POINT OF DEFLECTION; THENCE SOUTH 75 DEGREES 36 MINUTES 20 SECONDS EAST ALONG A NORTHEASTERLY LINE OF SAID OUTLOT "C", A DISTANCE OF 90.00 FEET TO A NORTHEAST CORNER OF SAID OUTLOT "C"; THENCE SOUTH 14 DEGREES 23 MINUTES 40 SECONDS WEST ALONG A SOUTHEASTERLY LINE OF SAID OUTLOT "C", A DISTANCE OF 10.00 FEET TO A SOUTHEAST CORNER OF SAID OUTLOT "C"; THENCE NORTH 75 DEGREES 36 MINUTES 20 SECONDS WEST ALONG A SOUTHWESTERLY LINE OF SAID OUTLOT "C", A DISTANCE OF 89.21 FEET TO A POINT OF DEFLECTION; THENCE NORTH 84 DEGREES 37 MINUTES 31 SECONDS WEST ALONG A SOUTHERLY LINE OF SAID OUTLOT "C", A DISTANCE OF 124.87 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 0.05 ACRES OR 2,159.02 SQUARE FEET, MORE OR LESS.

November 2, 2000  
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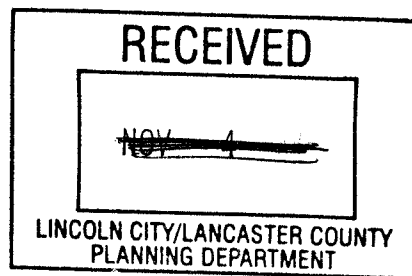
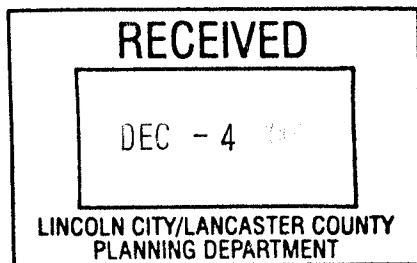
**LEGAL DESCRIPTION  
CHANGE OF ZONE - "AG" TO "R-3"  
PARCEL "B"**

A LEGAL DESCRIPTION FOR CHANGE OF ZONE PURPOSES FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 70 I.T., LOCATED IN THE SOUTHWEST QUARTER (SW4) OF SECTION 11, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAWGRASS DRIVE, SAID POINT BEING A SOUTHWESTERLY CORNER OF SAID LOT 70 I.T., SAID POINT ALSO BEING THE SOUTHEASTERLY CORNER OF OUTLOT "D" OF HIMARK ESTATES 3<sup>RD</sup> ADDITION; THENCE ON AN ASSUMED BEARING OF NORTH 14 DEGREES 23 MINUTES 40 SECONDS EAST ALONG A NORTHWESTERLY LINE OF SAID LOT 70 I.T., A DISTANCE OF 120.00 FEET TO THE NORTHEAST CORNER OF SAID OUTLOT "D"; THENCE SOUTH 75 DEGREES 36 MINUTES 20 SECONDS EAST, A DISTANCE OF 30.00 FEET TO A POINT ON A SOUTHEASTERLY LINE OF SAID LOT 70 I.T., SAID POINT ALSO BEING ON THE NORTHWESTERLY LINE OF OUTLOT "E", SAID HIMARK ESTATES 3<sup>RD</sup> ADDITION; THENCE SOUTH 14 DEGREES 23 MINUTES 40 SECONDS WEST ALONG SAID SOUTHEASTERLY LINE OF SAID LOT 70 I.T., A DISTANCE OF 120.00 FEET TO A SOUTHEASTERLY CORNER OF SAID LOT 70 I.T., SAID POINT ALSO BEING ON SAID NORTH RIGHT-OF-WAY LINE; THENCE NORTH 75 DEGREES 36 MINUTES 20 SECONDS WEST ALONG A SOUTHWESTERLY LINE OF SAID LOT 70 I.T., A DISTANCE OF 30.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 0.08 ACRES OR 3,600.00 SQUARE FEET MORE OR LESS.

December 4, 2000  
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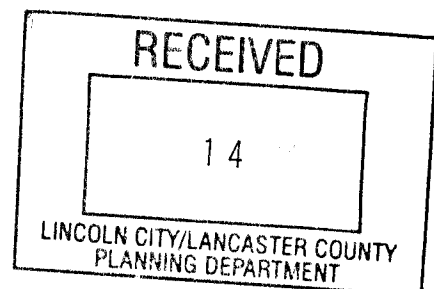
**LEGAL DESCRIPTION  
CHANGE OF ZONE - "R-3" TO "AG"  
PARCEL "C"**

A LEGAL DESCRIPTION FOR CHANGE OF ZONE PURPOSES FOR A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT 'E', HIMARK ESTATES 3<sup>RD</sup> ADDITION, LOCATED IN THE SOUTHWEST QUARTER (SW4) OF SECTION 11, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT 'E', OF HIMARK ESTATES 3<sup>RD</sup> ADDITION, THENCE ON AN ASSUMED BEARING OF SOUTH 70 DEGREES 58 MINUTES 05 SECONDS EAST, ALONG A NORTHERLY LINE OF SAID OUTLOT 'E', A DISTANCE OF 113.71 FEET TO A NORTHEAST CORNER OF SAID OUTLOT 'E'; THENCE SOUTH 52 DEGREES 27 MINUTES 53 SECONDS EAST, ALONG A NORTHEASTERLY LINE OF SAID OUTLOT 'E', A DISTANCE OF 15.63 FEET TO A POINT; THENCE NORTH 73 DEGREES 12 MINUTES 48 SECONDS WEST, A DISTANCE OF 127.82 FEET TO A POINT ON THE WESTERLY LINE OF SAID OUTLOT "E"; THENCE NORTH 14 DEGREES 23 MINUTES 40 SECONDS EAST ALONG THE WESTERLY LINE OF SAID OUTLOT "E", A DISTANCE OF 10.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 0.02 ACRES OR 920.57 SQUARE FEET MORE OR LESS.

10 October 2000  
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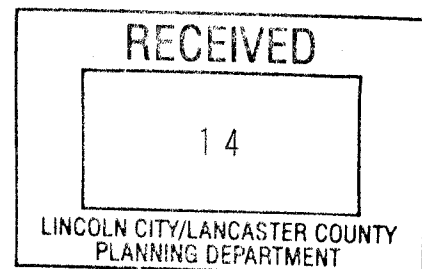
**LEGAL DESCRIPTION  
CHANGE OF ZONE - "AG" TO "R-3"  
PARCEL "D"**

A LEGAL DESCRIPTION FOR CHANGE OF ZONE PURPOSES FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 70 I.T., LOCATED IN THE SOUTH HALF (S2) OF SECTION 11, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERNMOST CORNER OF LOT 18, BLOCK 1, HIMARK ESTATES 3<sup>RD</sup> ADDITION, THENCE ON AN ASSUMED BEARING OF NORTH 31 DEGREES 56 MINUTES 57 SECONDS WEST, ALONG A NORTHEASTERLY LINE OF SAID LOT 18, A DISTANCE OF 91.34 FEET TO A POINT OF DEFLECTION; THENCE NORTH 52 DEGREES 27 MINUTES 53 SECONDS WEST, ALONG A NORTH LINE OF SAID LOTS 17 AND 18, SAID BLOCK 1, A DISTANCE OF 111.43 FEET TO A POINT ON THE NORTHEASTERLY LINE OF OUTLOT "E", SAID HIMARK ESTATES 3<sup>RD</sup> ADDITION; THENCE SOUTH 73 DEGREES 12 MINUTES 48 SECONDS EAST, A DISTANCE OF 56.45 FEET TO A POINT; THENCE SOUTH 52 DEGREES 27 MINUTES 53 SECONDS EAST, A DISTANCE OF 62.26 FEET TO A POINT; THENCE SOUTH 31 DEGREES 56 MINUTES 57 SECONDS EAST, A DISTANCE OF 96.46 FEET TO A POINT; THENCE SOUTH 62 DEGREES 21 MINUTES 18 SECONDS WEST, A DISTANCE OF 20.06 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 0.08 ACRES OR 3,614.89 SQUARE FEET MORE OR LESS.

10 October 2000  
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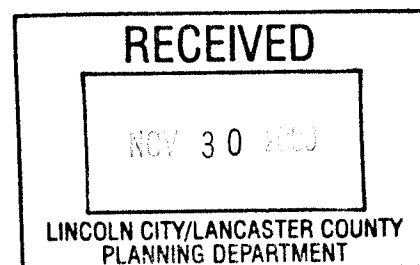
**LEGAL DESCRIPTION  
CHANGE OF ZONE - "AG" TO "R-3"  
PARCEL "E"**

A LEGAL DESCRIPTION FOR CHANGE OF ZONE PURPOSES FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 70 I.T., LOCATED IN THE NORTHWEST QUARTER (NW4) OF SECTION 11, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A SOUTHEAST CORNER OF LOT 5, HIMARK ESTATES 4<sup>TH</sup> ADDITION, THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 06 MINUTES 34 SECONDS EAST, A DISTANCE OF 17.62 FEET TO A POINT; THENCE NORTH 89 DEGREES 49 MINUTES 47 SECONDS WEST, A DISTANCE OF 67.79 FEET TO A POINT ON AN EAST LINE OF SAID LOT 5; THENCE NORTH 00 DEGREES 06 MINUTES 34 SECONDS WEST, ALONG AN EAST LINE OF SAID LOT 5, A DISTANCE OF 17.29 FEET TO A POINT OF DEFLECTION; THENCE SOUTH 89 DEGREES 53 MINUTES 26 SECONDS WEST, ALONG A SOUTH LINE OF SAID LOT 5, A DISTANCE OF 67.79 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 0.03 ACRES OF 1,183.05 SQUARE FEET MORE OR LESS.

30 November 2000  
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**LEGAL DESCRIPTION  
CHANGE OF ZONE FROM "AG" TO "R-3"  
PARCEL "F"**

A LEGAL DESCRIPTION FOR CHANGE OF ZONE PURPOSES FOR A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT "A", AND A PORTION OF LOT 5, ALL HIMARK ESTATES 4<sup>TH</sup> ADDITION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID OUTLOT "A", SAID POINT BEING THE NORTHEAST CORNER OF SAID LOT 5 AND THE TRUE POINT OF BEGINNING, THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 06 MINUTES 34 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 5, A DISTANCE OF 140.00 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 89 DEGREES 53 MINUTES 26 SECONDS WEST ALONG AN SOUTH LINE OF SAID LOT 5, A DISTANCE OF 120.00 FEET TO AN EAST CORNER OF SAID LOT 5, THENCE NORTH 00 DEGREES 06 MINUTES 34 SECONDS WEST, A DISTANCE OF 140.00 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID LOT 5, THENCE NORTH 89 DEGREES 53 MINUTES 26 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 29.45 FEET TO A POINT, THENCE NORTH 07 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 100.77 FEET TO AN EAST CORNER OF SAID OUTLOT "A", THENCE NORTH 89 DEGREES 53 MINUTES 26 SECONDS EAST ALONG A NORTH LINE OF SAID OUTLOT "A", A DISTANCE OF 78.08 FEET TO AN NORTHEAST CORNER OF SAID OUTLOT "A", THENCE SOUTH 00 DEGREES 06 MINUTES 34 SECONDS EAST ALONG AN EAST LINE OF SAID OUTLOT "A", A DISTANCE OF 100.00 FEET TO THE TRUE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 25,231.31 SQUARE FEET OR 0.58 ACRES MORE OR LESS.

November 30, 2000 (3:46PM)  
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